

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

Crim. No. 04-10098-WGY

CARMEN FIGUEROA and
WILLIAM TEJEDA,

Defendants.

OPPOSITION TO DEFENDANT CARMEN FIGUEROA'S MOTION FOR A NEW TRIAL

The United States respectfully opposes Defendant Figueroa’s motion for a new trial. As grounds therefor, the government submits that:

- (1) The evidence with respect to duress was sufficient to sustain the verdict;
- (2) The trial judge properly excluded expert psychiatric testimony;
- (3) Because the proposed expert testimony was inadmissible, Figueroa had no grounds for a delay of the trial;
- (4) The judge did not err in instructing the jury that the standard for duress relates to a reasonable person's belief regarding the availability of escape;
- (5) The trial judge properly excluded evidence regarding Figueroa's descriptions of abuse to others;
- (6) Defendant Figueroa did not move at the close of the government's case for a directed verdict as to the question of whether the cocaine base was crack, and therefore cannot be heard to raise the issue in a motion for new trial. Moreover, the evidence that the drugs at issue were crack was overwhelming.

For the reasons stated above, the government asserts that Figueroa's motion is without merit and should be denied.

Respectfully submitted,

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